

Wilkinson, Benjamin M.

From: Byam-Katzman, Jesse L. <JByam-Katzman@foley.com>
Sent: Tuesday, May 16, 2023 6:30 PM
To: Shepard, Mark D.
Cc: Stone, Betsy; Patterson, Tim; Wronski, Andy; Nerko, Charles J.; Wilkinson, Benjamin M.; Szczepanski, Kevin D.; Richard J. Parks
Subject: RE: Bessemer v. Fiserv
Attachments: Fiserv - Bessemer - Presentation for Discovery Motions.pptx; Fiserv - Bessemer - Presentation for Discovery Motions.pdf

Mark:

Here is a PowerPoint and PDF of the presentation used during the hearing today.

Additionally, pursuant to your request, the relevant statute that imposes criminal liability for disclosure of FFIEC reports, and which is cited in FFIEC reports, is 18 U.S.C. 641. This statute and prohibitions of disclosure were cited in Fiserv's Responses to Bessemer's First Set of Requests for Production and First Set of Interrogatories.

Defendants are periodically subject to examination and audit by the Federal Financial Institutions Examination Council. The results and reports of such examinations are strictly confidential and may not be disclosed by Defendants pursuant to, among other things, 18 U.S.C. § 641. In the Master Agreement, Bessemer agreed and acknowledged as follows: "Client acknowledges and agrees that Fiserv is subject to certain examinations by the Federal Financial Institutions Examination Council ('FFIEC'), regulators and agencies. Client acknowledges and agrees that reports of such examination of Fiserv business units are available to Client directly from the relevant FFIEC agencies."

(Fiserv Resp. to Interrogatory No. 4; see also Fiserv Resp. to RFP No. 148-150.)

Please let me know if you have any questions or concerns.

Thank you,
Jesse

Jesse L. Byam-Katzman

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Milwaukee, WI 53202-5306
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-----Original Message-----

From: Shepard, Mark D. <MShepard@babstcalland.com>
Sent: Tuesday, May 16, 2023 4:58 PM
To: Byam-Katzman, Jesse L. <JByam-Katzman@foley.com>
Cc: Stone, Betsy <BStone@foley.com>; Patterson, Tim <TJPatterson@foley.com>; Wronski, Andy <AWronski@foley.com>; Charles J. Nerko <CNerko@barclaydamon.com>; Benjamin M. Wilkinson <BWilkinson@barclaydamon.com>; Kevin D. Szczepanski <KSzczepanski@barclaydamon.com>; Richard J. Parks <RJP@pietragallo.com>
Subject: Bessemer v. Fiserv

** EXTERNAL EMAIL MESSAGE **

Would you please email me a copy of the power point you presented during oral argument today. Thank you.

Sent from my iPhone

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